

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
:
v. : 14-MJ-403 (RML)
:
DORIS HENRIETTE YEMBE, : July 24, 2014
:
Defendant. : Brooklyn, New York
:
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TRANSCRIPT OF CRIMINAL CAUSE FOR EXCLUDABLE DELAY
BEFORE THE HONORABLE JOAN M. AZRACK
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: UNITED STATES ATTORNEY
BY: JUSTIN DAVID LERER, ESQ.
ASSISTANT U.S. ATTORNEY

For the Defendant: LESLIE R. JONES, ESQ.
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1 THE CLERK: Criminal cause for Order of Excludable
2 Delay. Case No. 14-403-M, USA v. Doris Yembe. Counsel
3 [inaudible] the record.

4 THE COURT: Oh, wait. Okay. Okay, Justin.

5 MR. LERER: Good morning, Your Honor. Justin Lerer
6 for the United States. With me is an intern in our office,
7 Monica Mleczko, M-L-E-C-Z-K-O, who is a rising second-year
8 student at Harvard Law School, and the defense counsel has
9 already consented, with your consent Ms. Mleczko would do the
10 remainder [inaudible].

11 THE COURT: Okay. That's fine. Okay.

12 MR. LERER: Mleczko.

13 THE COURT: Yes, Mleczko.

14 And appearance?

15 MR. DEAVY: Good morning, Your Honor. Courtney Deavy
16 for Ms. Yembe.

17 THE COURT: What is your application?

18 MS. MLECZKO: Your Honor, the parties have submitted
19 a written application for an Order of Excludable Delay under
20 the Speedy Trial Act. Time in this case has already been
21 excluded from -- through July 24th, and the parties request
22 that it be excluded from July 24th through August 25th. These
23 parties are currently engaged in plea negotiations that might
24 result in the disposition.

25 THE COURT: Is this the second application of this

1 nature?

2 MS. MLECZKO: Yes, Your Honor.

3 THE COURT: Okay.

4 And what's the defense position?

5 MR. DEAVY: We join the application, Your Honor.

6 THE COURT: All right.

7 So, Ms. Yembe, I know this has been explained to you
8 before, but let me make sure you understand again today. You
9 have the right to be charged formally within 30 days of your
10 arrest, which means the government either goes to a grand jury
11 to seek an indictment or gives you a preliminary hearing. If
12 they don't do either of those by the end of the 30th day, your
13 lawyer could ask that the charges be dismissed.

14 This application today gives them an additional 30
15 days to consider how to proceed. So that 30-day clock will
16 continue to be stopped between today, July 24th, and August
17 25th. But we can't do that unless you agree to it, and you're
18 free to not agree to it if you wish. So how would you like to
19 proceed?

20 THE DEFENDANT: Whatever my lawyer says is what I
21 choose to do.

22 THE COURT: Okay. So you want to exclude time until
23 August 25th?

24 MR. DEAVY: Yes, Your Honor.

25 THE COURT: Do you have any questions about what your

1 rights are in this regard?

2 All right. I'll approve this exclusion between today
3 and August 25th, this hopefully resulting in a disposition of
4 the matter without a trial. And this will be back on for a
5 status unless you proceed in some other way.

6 Okay. Thank you.

7 MR. DEAVY: Thank you, Your Honor.

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1 I certify that the foregoing is a court transcript from an
2 electronic sound recording of the proceedings in the above-
3 entitled matter.

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5 _____
6 Shari Riemer, CET-805

7 Dated: January 7, 2015
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